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### REMARKS

#### Status of the Claims

Claims 1-3, 5-8 and 10-16 are pending, claims 1, 6 and 11 being independent claims.

Claims 4 and 9 were previously canceled.

Claims 1 and 6 have been rejected under 35 U.S.C. 112 for indefiniteness.

Claims 1-3, 5-8 and 10-16 have been rejected under 35 U.S.C. 103(a) for obviousness over Winberg (GB 2369003) in view of Helmersson (WO 02/067606) and further in view of Vielen (US 6,978,143).

Claims 1 and 6 are amended herein.

#### Claim 1

Claim 1 has been amended to address the indefiniteness rejection.

Claim 1 requires, in part, "determining whether or not the shared channels are in a mode in which an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received" and "deciding to make the transfer, dependent upon said value and upon said amount or rate, and upon said mode."

The cited Winberg, Helmersson and Vielen fail to teach or suggest the recited feature in claim 1 of determining whether or not the shared channels are in a mode requiring acknowledgement of the data. Accordingly, Applicant requests withdrawal of the rejection and allowance of the claim.

Although the cited art Vielen apparently teaches a shared channel for which a control signal is required to switch to a dedicated channel see column 2 lines 55-59, Vielen fails to teach or suggest deciding to make the transfer between channels dependent on whether there is an acknowledgement (of receipt of the data) mode that is on or off. Vielen teaches deciding to make a transfer between a dedicated channel

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and a shared channel based on a plurality of other selection parameters, see e.g.,  
Vielen column 4 lines 4 to 12, which refers to the decision being based on

“size of data packet; amount of data in RLC buffers or  
information obtained from higher layers about the amount of data to be  
transferred,

bit rate required,  
allowable transfer delay,  
priority or importance of the data to be transferred,  
channel load,  
power level required for the transfer on the RACH, and  
maximum packet size transferable on the RACH.”

Vielen also teaches the decision to use a shared channel or a dedicated channel  
being made with no radio interface signalling being required, see column 2 lines 61 to  
63.

In sharp contrast, the claimed invention relates to deciding whether to transfer  
between channels based on determining/(said determination) whether or not the  
shared channels are in a mode in which an acknowledgment of receipt is required to  
be received back before data is assumed to have been correctly received.

Further, Winberg teaches deciding to make the transfer dependent upon other  
factors, not those recited by the claimed invention. Specifically, Winberg teaches  
deciding whether to transfer between dedicated and shared channels based on buffer  
level threshold values, data throughput level threshold values, and time values, see  
Winberg column 4 lines 23-24 and column 5 lines 24-26. Helmersen is directed to a  
switching scheme in which users which are close to a base station are allocated a  
downlink shared channel in order to save channelization codes in the system, whereas  
users that are far from a base station are allocated a downlink dedicated channel in  
order to conserve transmission power, see Helmersen Abstract. Winberg and  
Helmersen do not suggest determining whether or not the shared channels are in a  
mode in which an acknowledgment of receipt is required to be received back before  
data is assumed to have been correctly received for the determination of whether to  
switch between dedicated and shared channels.

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Accordingly, since the cited references fail to teach or suggest this claim feature, the Applicant requests that claim 1 be allowed.

Claims 2 to 3, 5

Claims 2, 3 and 5 depend from and include all the limitations of base claim 1. Accordingly, dependent claims 2, 3 and 5 are patentable not least on the basis that they each depend on an allowable independent claim 1.

Claim 6

Claim 6 has been amended to address the indefiniteness rejection. Antecedent basis for the decision means is provided on claim 6 line 4 where it states "the base station comprising decision means...".

Claim 6 recites:

"the decision means being operative to control transfer of the call connection by the channel allocator between the dedicated channels and the shared channels dependent upon:

...a third input signal to the decision means indicating whether or not the shared channels are in a mode in which an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received."

As explained in respect of claim 1 above, none of Winberg, Helmersen nor Vielen teaches or suggests such an input signal to the decision means indicating "whether or not the shared channels are in a mode in which an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received", where the decision means operate to control transfer of a call connection between dedicated and shared channels dependent upon that input signal indicative of the mode. None of these references suggest decision means operate to control transfer of a call connection between dedicated and shared channels dependent upon, amongst other things, that (third) input signal.

It follows that since the cited references fail to teach or suggest this claim feature, the 35 U.S.C.103 rejection should be withdrawn.

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Claims 7, 8 and 10

Claims 7, 8 and 10 depend from and include all the limitations of base claim 6. Accordingly, dependent claims 7, 8 and 10 are patentable not least on the basis that they each depend on an allowable independent claim 6.

Claim 11

Claim 11 recites:

“decision means, a channel allocator, and a determinator,  
the decision means adapted to control transfer of a call connection via the channel allocator between dedicated channels and shared channels dependent upon:  
... a third input signal indicating whether or not the shared channels operate in a mode in which an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received.”

As explained with respect to claim 1 above, neither Winberg, Helmerson or Vielen teaches or suggests such an input signal to the decision means indicating “whether or not the shared channels operate in a mode in which an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received”, where the decision means is adapted to control transfer of a call connection between dedicated and shared channels dependent upon, amongst other things, that third input signal.

It follows that since the cited references fail to teach or suggest this claim feature, the 35 U.S.C.103 rejection should be withdrawn.

Claims 12 to 16

Claims 12 to 16 depend from and include all the limitations of base claim 11. Accordingly, dependent claims 12 to 16 are patentable not least on the basis that they each depend on an allowable independent claim 1.

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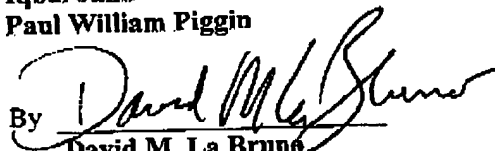
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Conclusion

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' attorney, David M. La Bruno, at 908 582 3190.

Respectfully submitted,

Iqbal Jami  
Paul William PigginBy   
David M. La Bruno  
Attorney for Applicants  
Reg. No.: 46,266  
908 582 3190Date: July 15, 2009Docket Administrator (Room 2F-192)  
Alcatel-Lucent USA Inc.  
600-700 Mountain Avenue  
Murray Hill, New Jersey 07974-0636